

Mail Stop Interference
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Paper 1
Filed: 23 February 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

ANDREAS W. DREHER
Junior Party
(Patent No. 6,840,619),

v.

RONALD D. BLUM, DWIGHT P. DUSTON and DAN KATZMAN
Senior Party
(Application No. 11/636,510).

Patent Interference No. 105,681 (SCM)
(Technology Center 2800)

DECLARATION - Bd.R. 203(b)¹

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 **Part A. Declaration of interference**

2 An interference is declared (35 U.S.C. § 135(a)) between the above-
3 identified parties. Details of the application(s), patent (if any), reissue application
4 (if any), count(s) and claims designated as corresponding or as not corresponding
5 to the count(s) appear in Parts E and F of this DECLARATION.

6 **Part B. Judge managing the interference**

7 Administrative Patent Judge Sally C. Medley has been designated to manage
8 the interference. Bd. R. 104(a).

9 **Part C. Standing order**

10 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this
11 DECLARATION. The STANDING ORDER applies to this interference.

12 **Part D. Initial conference call**

13 A telephone conference call to discuss the interference is set for **1:00 p.m.**
14 **on 23 April 2009** (the Board will initiate the call).

15 No later than **four business days** prior to the conference call, each party
16 shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120;
17 Bd. R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

18 A sample schedule for taking action during the motion phase appears as
19 Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the
20 schedule prior to the conference call and to agree on dates for taking action. A
21 typical motion period lasts approximately eight (8) months. Counsel should be
22 prepared to justify any request for a shorter or longer period.

1 **Part E. Identification and order of the parties**

2 Junior Party

3
4 Named inventors: ANDREAS W. DREHER, Escondido, CA
5
6 Involved Patent: U.S. Patent 6,840,619, issued 11 Jan. 2005, based
7 on Application 10/773,667, filed 06 Feb. 2004
8
9 Title: EYEGLOSS MANUFACTURING METHOD
10 USING VARIABLE INDEX LAYER
11
12 Assignee: Comerica Bank
13

14 Senior Party

15
16 Named Inventors: RONALD D. BLUM, Roanoke, VA
17 DWIGHT P. DUSTON, Laguna Niguel, CA
18 DAN KATZMAN, Givat Ela, Israel
19
20 Involved Application: Application 11/636,510, filed 11 Dec. 2006
21
22 Title: SYSTEM, APPARATUS AND METHOD FOR
23 CORRECTING VISION WITH AN ADAPTIVE
24 OPTIC
25
26 Assignee: none
27

28 The senior party is assigned exhibit numbers 1001-1999. The junior party is
29 assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior
30 party is responsible for initiating settlement discussions. SO ¶ 126.1.

1 **Part F. Count and claims of the parties**

2 Count 1

3 Claim 1 of Dreher's Patent 6,840,619

4 or

5 Claim 1 of Blum's Application 11/636,510

6 The claims of the parties are:

7 Dreher Patent 6,840,619: 1-21

8 Blum Application 11/636,510: 1, 5-7, 10-14 and 18-28

9 The claims of the parties which correspond to Count 1 are:

10 Dreher Patent 6,840,619: 1-21

11 Blum Application 11/636,510: 1, 5-7, 10-14 and 18-28

12 The claims of the parties which do not correspond to Count 1, and therefore
13 are not involved in the interference, are:

14 Dreher Patent 6,840,619: none

15 Blum Application 11/636,510: none

16 The parties are accorded the following benefit for the Count:

17 Dreher: 10/044,304, filed 25 Oct. 2001, now
18 Patent 6,712,466, issued 30 Mar. 2004

19
20 Blum: 11/091,104, filed 28 Mar. 2005, now
21 Patent 7,188,948, issued 13 Mar. 2007

22
23 10/626,973, filed 25 Jul. 2003, now
24 Patent 6,918,670, issued 19 Jul. 2005

25
26 09/602,013, filed 23 Jun. 2000, now
27 Patent 6,619,799, issued 16 Sep. 2003

28
29 60/161,363, filed 26 Oct. 1999
30

60/150,564, filed 25 Aug. 1999

60/150,545, filed 25 Aug. 1999

60/147,813, filed 10 Aug. 1999

60/143,626, filed 14 Jul. 1999

60/142,053, filed 02 Jul. 1999

Part G. Heading to be used on papers

The following heading must be used on all papers filed in this interference,
see SO & 106.1.1:

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1 **Part H. Order form for requesting file copies**

2 When requesting copies of files, use of SO Form 4 will greatly expedite
3 processing of the request. Please attach a copy of Parts E and F of this
4 DECLARATION with a hand-drawn circle around the patents and applications for
5 which a copy of a file wrapper is requested.

6
7 /Sally C. Medley/
8 Administrative Patent Judge

9 Enc:

10 Copy of STANDING ORDER
11 Form PTO-850
12 Copy U.S. Patent 6,840,619
13 Copy of claims of Application 11/636,510
14
15
16

17 Revised 3 January 2006
18
19

1 cc (via overnight delivery):
2

3 Attorney for Dreher:
4

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